



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: August 16, 2017

CBCA 4597

MCCARTHY BUILDING COMPANIES, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Eric L. Nelson and Harry Z. Rippeon III of Smith, Currie & Hancock LLP, Atlanta, GA, counsel for Appellant.

Eyvonne Alston, Office of General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

Before Board Judges **SOMERS**, **KULLBERG**, and **ZISCHKAU**.

ZISCHKAU, Board Judge.

On August 10, 2017, the parties submitted a joint request for a stipulated decision, advising that the parties had entered into a stipulation of settlement for the captioned appeal, and requesting a stipulated award in favor of appellant in the amount of \$683,657, plus interest pursuant to the Contract Disputes Act (CDA), 41 U.S.C. §§ 7101-7109 (2012), from December 22, 2014, until the date of payment. The agency intends to make payment through the permanent indefinite judgment fund, 31 U.S.C. § 1304, such amount to constitute full and complete settlement and satisfaction of all claims and issues arising out of or relating to the contract and the captioned appeal. The parties stipulate that neither party will initiate any proceeding for review, reconsideration, or appeal of the stipulated award in the Board's decision.

Decision

The Board **GRANTS IN PART** the appeal. In accordance with the parties' stipulated settlement, the Board awards appellant \$683,657, plus CDA interest (*see* 41 U.S.C. § 7109(b)) from December 22, 2014, until the date of payment. Payment may be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304.

JONATHAN D. ZISCHKAU
Board Judge

We concur:

JERI KAYLENE SOMERS
Board Judge

H. CHUCK KULLBERG
Board Judge